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July 1, 2005

**To:****Telephone:****Fax Number:**

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U.S. Patent &amp; Trademark Office

  
**From: Jan Huss for David Alberti**  
(650) 833-2052**Client-Matter Number: 351909-991130****Re: U.S. Patent Application No. 10/033,549**  
Filed: December 27, 2001  
Entitled: OPTICAL SPECTRAL POWER MONITORS EMPLOYING TIME-  
DIVISION-MULTIPLEXING DETECTION SCHEMES  
Inventors: POLYNKINet al.

Pages: 7 - (including this form)

Originals: ☒ will not be mailed

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Fax Operator: Jan Huss

**MESSAGE:**

Please make of record the following documents for the above-referenced application:

1. Transmittal Form (1 pg)
2. Fee Transmittal Form (1 pg) with Authorization to charge Notice of Appeal fee.
3. Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences (2 pgs) (in duplicate).

Thank you.

SILICON VALLEY SAN DIEGO SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA WASHINGTON, DC

EMV7182017.1  
2101197-991100


PTO/SB/21 (09-04)

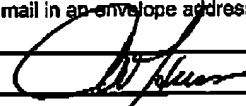
Approved for use through 07/31/2006. OMB 0851-0031  
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<b>TRANSMITTAL FORM</b>  (To be used for all correspondence after initial filing)	Application Number	10/033,549	
	Filing Date	December 27, 2001	
	First Named Inventor	POLYNKIN et al.	
	Art Unit	2874	
	Examiner Name	Michael J. Stahl	
Total Number of Pages in This Submission	6	Attorney Docket Number	351909-991130 (2102393)

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) (in duplicate) (in duplicate) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The Commissioner is hereby authorized to charge any additional fees required and credit any overpayment to our Deposit Account No. 07-1896, referencing <u>351909-991130</u> .		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	DLA Piper Rudnick Gray Cary US LLP	
Signature		
Printed name	David Alberti	
Date	July 1, 2005	Reg. No. 43,465

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature		
Typed or printed name	Jan Huss	Date July 1, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/17 (12-04v2)  
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<b>Effective on 12/09/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).</b> <h2 style="margin: 10px 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2005</h3> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<b>Complete If Known</b>		
		Application Number	10/033,549	
		Filing Date	December 27, 2001	
		First Named Inventor	Pavel G. POLYNKIN et al.	
		Examiner Name	Michael J. Stahl	
		Art Unit	2874	
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b> 250.00	Attorney Docket No.	351909-991130 (2102393)

**METHOD OF PAYMENT (check all that apply)**

☐ Check  
 ☐ Credit Card  
 ☐ Money Order  
 ☐ None  
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account  
 Deposit Account Number: 07-1896  
 Deposit Account Name: DLA Piper Rudnick Gray Cary US LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below  
 ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
 ☒ Credit any overpayments

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP =          X          =           
 HP = highest number of total claims paid for, if greater than 20  
Indep. Claims - 3 or HP =          X          =           
 HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>	<u>        </u>

**4. OTHER FEE(S)**

	Fee Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>Notice of Appeal fee (\$250)</u>	<u>\$250.00</u>

<b>SUBMITTED BY</b>		Registration No. 43,465	Telephone 650-833-2052
Signature		(Attorney/Agent)	
Name (Print/Type)	David Alberti	Date	7/1/2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22312-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS OFFICE.

JUL 01 2005

Attorney Docket: 351909-991130 (2102393)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pavel G. POLYNKIN et al. Confirmation No. 7501  
Serial No.: 10/033,549 Group Art Unit: 2874  
Filed: December 27, 2001 Examiner: Michael J. Stahl  
Title: OPTICAL SPECTRAL POWER MONITORS EMPLOYING TIME-DIVISION-  
MULTIPLEXING DETECTION SCHEMES

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, to Centralized Fax No. (703) 872-9306 on:

July 1, 2005

Jan Huss

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

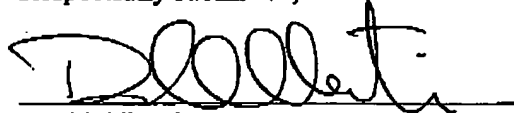
Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed on May 4, 2005 finally rejecting claims in the above-captioned U.S. patent application.

Attorney Docket: 351909-991130 (2102393)

The Commissioner is hereby authorized to deduct \$250.00 for the Notice of Appeal Fee and to charge any additional fees required and credit any overpayment to our Deposit Account No. 07-1896 referencing 351909-991130. A duplicate copy of the Notice of Appeal is attached.

Dated: 7/1/2005

Respectfully submitted,



David Alberti  
Reg. No. 43,465  
Attorney for Applicants

DLA Piper Rudnick Gray Cary US LLP  
2000 University Avenue  
East Palo Alto, CA 94303-2248  
Telephone: (650) 833-2052

JUL 01 2005

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Attorney Docket: 351909-991130 (2102393)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Title: OPTICAL SPECTRAL POWER MONITORS EMPLOYING TIME-DIVISION-  
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THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed on May 4, 2005 finally rejecting claims in the above-captioned U.S. patent application.

07/06/2005 BBONNER 00000010 071896 10033549  
01 FC:2401 250.00 DA

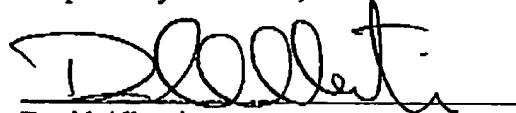
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341000 0011301

Attorney Docket: 351909-991130 (2102393)

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Dated: 7/1/2005

Respectfully submitted,



David Alberti  
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Attorney for Applicants

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